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Higgins, 1975 Labor Day Statement  
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# LABOR DAY STATEMENT

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In November 1974 the National Conference of Catholic Bishops unanimously adopted a resolution in support of legislation that would guarantee farm workers the right to determine, by secretballot elections, which union, if any, they want to represent them. The Conference had previously called for legislation of this type on several occasions, but to no avail. When legislation guaranteeing labor's right to organize in other industries was first enacted in the middle thirties, farm workers were systematically excluded from its coverage. During the intervening years, many attempts were made—with the full support of the Bishops' Conference—to correct this grave injustice, but, again, to no avail.

It was not until the United Farm Workers, led by Cesar Chavez, demonstrated, in the face of tremendous odds, that the organization of farm workers was not only possible but inevitable, that the tide began to turn. Confronted with this development, some of those who had originally opposed farm labor legislation of any kind had a genuine change of heart. Others apparently concluded that, while the unionization of farm workers could not be prevented or indefinitely postponed, it could at least be contained or neutralized by the enactment of restrictive legislation. Fortunately, attempts to enact such crippling legislation were, with few exceptions, unsuccessful. Finally, in the Spring of this year, cooler heads prevailed in the crucial State of California, with the result that the Governor of that State was able to gain unanimous support of an unprecedented union-

grower-church coalition in favor of a farm labor bill which is generally regarded as being fair and equitable to all concerned.

The California farm labor bill has been described as a compromise bill, and so it is in the sense that each of the parties had to settle, in the end, for certain provisions or amendments not completely to its liking. It is not a compromise bill, however, in the sense of being a weak or ineffective statute. All things considered, it is an excellent bill and one that might well serve as a working model for parallel legislation in other key agricultural states and, even more importantly, at the Congressional level in Washington.

The California statute, which was generations overdue, will not automatically resolve every issue in the farm labor dispute. It will, however, provide the parties with a set of enforceable procedures through which they can begin, at long last, to settle their differences in an orderly manner.

This will call for great maturity on the part of both the growers and the union. The growers, who have had things pretty much their own way for many generations, will now have to get used to dealing with the union, on a permanent basis, as an equal partner in the collective bargaining process. Any attempt to thwart the purpose of the new California farm labor law or to undermine the UFW would be a disastrous mistake on their part. The growers will also have to make up for lost time by quickly adopting a more professional approach to labor-management relations in their troubled industry. It will not be easy for them to make this adjustment, but they have no choice in the matter if they sincerely intend to live up to the spirit as well as the letter of the California statute.

With the enactment of the California statute, the union and its supporters will also have to switch gears, psychologically speaking, and settle down to the tedious and unromantic business of making collective bargaining work fairly and efficiently on a day to day basis in good times and bad. Again, it will not be easy for them to make this adjustment, but, like the growers, they too have no choice in the matter if they honestly desire to implement the California statute which they helped to bring into being.

Given a modicum of good will and common sense on the part of the growers and the union, there is every reason to believe that the California law can be made to work in the best interests of all concerned—if the Government, in its own approach to the farm labor problem, will also conduct itself responsibly. Unfortunately, however, there is some reason to fear that the Government is being pressured to make a crucial decision in this area which would nullify the potentially good effects of the California statute. There is reason to fear, in other words, that the Government, in a desperate attempt to slow down, if not to stop, the massive influx of illegal alien workers is toying with the idea of reviving the so-called Bracero program, which would legalize the mass importation of braceros (farm hands) under a bilateral contract or treaty between Mexico and the United States. A top Government spokesman has publicly stated within recent weeks that “The only solution (to the illegal alien problem) is through some agreement with the Mexican Government, for example, on aliens from Mexico. And we need to take a look at what it is about our economic situation which makes it so desirable for us to have these illegal aliens. Illegal entry isn’t only desirable for the aliens. There are segments of American society which want these illegal aliens as labor. They are doing work which the American labor market somehow does not seem to be otherwise supplying.”

In our judgment, this proposed solution to the illegal alien problem—and the rationale behind the proposal—are completely unacceptable. This is not to underestimate the seriousness of the illegal alien problem. This problem has admittedly gotten out of hand in recent years, and no one seems to know exactly what to do about it. The U.S. Immigration and Naturalization Service is under serious fire for its continued failure to stem the flow of illegals. The Service has been accused not only of inefficiency, but also of bribery and other forms of corruption. It is fair to say, however, that even if the Service were to improve its efficiency and, at the same time, eliminate from its ranks all forms of alleged corruption, the problem of illegal entry would still be with us for some time to come.

Given the obvious difficulty of policing a wide-open border which extends for hundreds of miles and given the high rate of unemployment in Mexico and the abject poverty of millions of Mexican workers, there is no easy answer, no simple solution to this problem.

The U.S. Catholic Conference and a number of other Catholic organizations, while recognizing the seriousness of the illegal alien problem and the necessity of bringing it under control, have recommended an across-the-board grant of amnesty, as of a specified cut-off date, for those illegals presently in the United States. The rationale behind this admittedly far-reaching recommendation is as follows:

First of all, it must be recognized that because of deficiencies over a span of many years in our foreign aid and economic assistance policies with regard to Mexico and other Latin American countries, because of our failure to prevent the mass influx of illegal aliens and our failure to enforce existing laws (a practice which makes it economically attractive for both the illegal alien and the employer to enter into working relationships), the Government of the United States bears a heavy share of responsibility for the chaotic situation which exists today.

Secondly, without a meaningful amnesty program, it is entirely possible that the members of this illegal alien society will be driven further underground and that a permanent sub-culture will be created in the United States. In such a situation, as indicated above, it is doubtful that even massive expenditures of time, money and effort on the part of the Immigration Service would ever lead to adequate controls. Moreover it is unconscionable that our government should even consider separating families by forcing a mass exodus or deportation of literally millions of men, women and children.

Finally, should an across-the-board type of amnesty be granted, the extremely serious and troublesome suggestion that every American citizen be issued a common identification card or "internal passport" need no longer be considered.

It remains to be seen whether the Congress

will concur with this proposal in favor of an across-the-board grant of amnesty. In any event, this much is certain: the Bracero program now being considered by our Government (under pressure from the Mexican Government and a number of influential organizations in the United States) would, far from solving the illegal alien problem, actually compound it.

Actually we have had two such programs in recent history—one in the 1940s and another which ran from 1954 to 1964. Under the latter program at its peak, more than 500,000 contract workers were brought into this country in one year alone. They were recruited by the Secretary of Labor at the expense of the U.S. Government.

Theoretically, workers were not to be recruited under the Bracero program unless the Department of Labor could certify that:

- Sufficient domestic workers who were able, willing and qualified were not available at the time and place needed to perform the work for which such workers were being recruited.

- The employment of such workers would not adversely affect the wages and working conditions of domestic agricultural workers.

- Reasonable efforts had been made to attract domestic workers at wages and standard hours of work and working conditions comparable to those offered to foreign workers.

In practice, however, these conditions or restrictions were honored more in the breach than in the observance.

A Government Commission established in 1959 to investigate the Bracero program found that the program—which guaranteed the growers, at no administrative expense to themselves, an unlimited supply of cheap and docile labor—was having a disastrous effect on the American labor force. Accordingly, the Commission recommended that the program be phased out as rapidly as possible.

The Commission, while acknowledging some favorable aspects of the foreign labor importation program, concluded that the program had hurt our American citizens who labor in the fields to earn their daily bread. The injury done to our

already disadvantaged domestic farm workers was evident no matter from what angle the situation was viewed. For example, despite the efforts of the Department of Labor to require employers to hire qualified U.S. workers, the Commission found indications that domestic farm workers were losing out to foreign labor. So strong were the preferences of some growers for a captive labor force that in some areas almost all of the seasonal work in certain activities was performed by foreign workers. Even those domestic workers who were employed found the duration of their jobs shortened because the availability of contract workers from Mexico, particularly at peak, had compressed the work season.

Another area that disturbed the Commission was the manner in which the farm wage structure was affected by bringing in contract workers. Not only was the gap between farm and non-farm wage rates very large, but, even more significantly, it was getting wider. In view of this, the effect of any program sponsored by the U.S. Government which further deteriorates the farm wage structure must be viewed with great apprehension.

The Commission's Report concluded that the Mexican importation program had such an effect.

Where foreign workers are used in large numbers, wage rates are prevented from rising to levels they would have attained if no foreign workers were admitted. The very knowledge on the part of growers and workers of the availability of Mexican nationals weakens the workers' bargaining position. Information studied by the Commission showed that wage rates in activities and areas employing Mexicans had lagged behind the rising wage level for farm workers generally. It also showed that users of Mexican labor often paid their domestic workers less than employers who did not use foreign workers.

A great deal has been said about the difficulty of obtaining U.S. workers for farm work. However, unless growers are prepared to make the kind of recruitment efforts and job offers that can reasonably be expected to recruit and retain domestic workers, how can a true test of the availability of domestic labor be made?

The Commission's Report pointed out that one of the reasons that labor shortages could not always be filled by U.S. workers was that employment conditions offered to them were less satisfactory than those offered to foreign workers.

Faced with these considerations, the Commission found it impossible to recommend the perpetuation of the Bracero Program. It concluded that the renewal of the program without changes would postpone the adoption of necessary reforms and tend to increase rather than diminish domestic farm labor shortages. Therefore, the Commission's approval of a temporary renewal of the program was conditioned on its being substantially amended so as to prevent adverse effect, insure the fullest use of domestic workers and limit the use of Mexican labor to unskilled seasonal jobs. Actually the program was terminated once and for all in 1964.

We have dwelt at some length in this Statement on the economic position of the farm worker. We are not unmindful, however, of the tenuous financial status of the small farmer. We are convinced that the interest of the great bulk of family farmers will always be adversely affected if they have to compete with large commercial operators who, with Mexican labor at their disposal, do not have to bargain for labor in the market place. To the extent that much of the income of the family farmer represents a return for his own labor, depressed farm wage levels are a major factor in his depressed total farm income.

Finally, as far as the consuming public is concerned, there is legitimate concern over the cost of living. But who among us wants to enjoy food and fiber grown at the expense of exploited workers? As a matter of fact, increases in farm labor costs would have only a slight effect on the price of the market basket.

When the Bracero program was terminated in 1964, those growers and other employers who had benefitted from it predicted in dire terms that it would be impossible to recruit an adequate supply of American workers and that consequently the crops would rot on the ground throughout the entire Southwest. That was obviously special pleading on their part. What they

really meant was that it was easier and cheaper for them to have the government recruit their workers than to do their own recruiting from the American labor force. In other words, they knew a good thing when they saw it, and they hated to have it taken away from them. Most of all, they dreaded the prospect of having to offer higher wages and better conditions as the only possible way of recruiting an adequate number of American workers. Some of them, as indicated above, are now trying to revive the Bracero program.

If they were to succeed in reviving this program, that might well be the end of the United Farm Workers Union. Anti-UFW growers (it goes without saying that not all growers are anti-UFW) know this better than anyone else. It is impossible to say for certain that this is the reason they are pushing for the Bracero program. In any event, they cannot be permitted to succeed in their efforts to revive a program which would inevitably have a disastrous effect on the wages and working conditions of the American labor force and might well destroy the only viable union ever to be established in the history of American agriculture.

While it is difficult to sympathize with those growers who are striving to revive the Bracero program, it is easier to understand why the Government of Mexico is doing so. The Government of Mexico is obviously trying to relieve its own unemployment problem, which is extremely serious. It looks upon the Bracero program as a safety valve and is still hoping to persuade the U.S. Government to revive it.

It is our hope that the U.S. Government will not accede to Mexico's request. If the U.S. has an obligation to assist Mexico in solving its domestic economic problems, there must be a way of doing this without cutting the ground out from under the United Farm Workers Union and without undermining the wages and working conditions of American agricultural workers who, for 100 years or more, have been among the most disadvantaged and most exploited workers in the American economy.



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